

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : AKIO NODA et al.  
FOR : OPTICAL ELEMENT FIXING  
STRUCTURE, OPTICAL ELEMENT  
FIXING BODY, OPTICAL ELEMENT,  
AND OPTICAL ELEMENT HOLDER  
SERIAL NO. : 10/535,578  
INTERNATIONAL FILING DATE : December 16, 2003  
EXAMINER : Unknown  
ART UNIT : Unknown  
CONFIRMATION NO. : 7248  
ATTORNEY DOCKET NO. : TOMI 200008

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371 IN THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**MAIL STOP PCT**

Commissioner for Patents  
P. O. Box 1450  
Arlington, VA 22313-1450  
Attn.: RO/US

Dear Sir:

Responsive to the Notification of Missing Requirements (copy attached hereto) mailed December 6, 2005, Applicants submit an executed Declaration and Power of Attorney.

The \$130.00 fee in payment of the surcharge required under 37 CFR 1.16(f) for filing the Declaration later than the filing date of the application is authorized to be charged to a credit card. The appropriate form PTO-2038 is enclosed for this

02/03/2006 ATRAN1 00000132 10535578

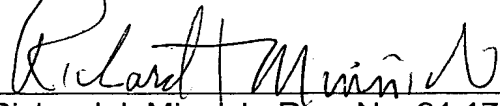
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130.00 OP

purpose. If the credit card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

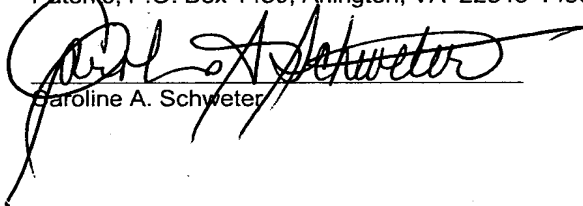


Richard J. Minnich, Reg. No. 24,175  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

January 30, 2006  
Date

**CERTIFICATE OF MAILING**

I hereby certify that this **RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP PCT, Commissioner of Patents, P.O. Box 1450, Arlington, VA 22313-1450 on this 30 day of January, 2006.

  
Caroline A. Schweter

RECEIVED Page 1 of 2

DEC 12 2005

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/535,578	FIRST NAMED APPLICANT Akio Noda	ATTY. DOCKET NO. TOMI 200008
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INTERNATIONAL APPLICATION NO.
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PCT/JP03/16134

I.A. FILING DATE	PRIORITY DATE
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12/16/2003

12/17/2002

Fay Sharpe Fagan Minnich & McKee  
1100 Superior Avenue, 7th Floor  
Cleveland, OH 44114

CONFIRMATION NO. 7248

371 FORMALITIES LETTER



\*OC000000017347421\*

Date Mailed: 12/06/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/19/2005
- English Translation of the IA filed on 05/19/2005
- Copy of the International Search Report filed on 05/19/2005
- Copy of IPE Report filed on 05/19/2005
- Preliminary Amendments filed on 05/19/2005
- Information Disclosure Statements filed on 05/19/2005
- Copy of references cited in ISR filed on 05/19/2005
- U.S. Basic National Fees filed on 05/19/2005
- Priority Documents filed on 05/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

“DOCKETED”

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,578	PCT/JP03/16134	TOMI 200008

FORM PCT/DO/EO/905 (371 Formalities Notice)